REMARKS

I. Claim 21 Rejections

Claim 21 is again rejected as being anticipated by Webb et al. (WO98/42407). Applicant respectfully traverses.

As pointed out previously, Webb is relied upon for its disclosure at page 5 that a remote center can communicate via the internet with a programmer for an implantable medical device. Webb is further characterized by the examiner as disclosing a communications protocol that emulates a client/server model wherein commands entered on the programmer are executed as if entered directly on the remote data center. However, as previously pointed out, the examiner makes no identification as to where Webb discloses this feature. The examiner simply states that Webb "states throughout the specification the use of the communication connection using a protocol that emulates a client/server model so that commands entered on the programmer are executed as if entered directly on the remote center." Yet, there is not one citation as to where that is stated at all much less being stated "throughout" the specification. The examiner's contention is therefore unsupported.

Webb discloses that a programmer at a patient location communicates information to a remote expert location (p.6, lines 14-19). The communication permits information to be reviewed simultaneously at both the patient location and the expert location (p.6, lines 20-23). Nowhere in Webb is there any indication that a command entered on the programmer can effect the execution of operations at the remote expert location, which can also be put into effect based upon a command entered at the remote expert location. In Webb, a command entered on the programmer only caused a simultaneous display of information on the display at the remote expert location, and there is no indication that a command entered at the remote expert location can effect such a simultaneous display.

Accordingly, Webb et al. fails to anticipate or render obvious claim 21; and the rejection should be withdrawn.

Claim 21 is also rejected as being anticipated by Snell (U.S. Patent 6,249,705). Again, Applicant respectfully traverses.

Snell is characterized as providing a communications protocol that emulates a client/server model and permits commands entered on the programmer to be executed as if entered directly on the remote data center. In support, columns 4 and 7 of Snell are relied upon. In column 4, however, Snell merely references a "communication protocol" and cites to examples of X.25, AppleTalk and TCP/IP.

AppleTalk is a protocol developed by Apple Computer In the early 1980s and its purpose was to allow multiple users to share resources, such as files and printers. The devices that supply these resources are called servers, while the devices that make use of these resources (such as a user's Macintosh computer) are referred to as clients. Hence, AppleTalk is one of the early implementations of a "distributed client/server" networking system.

TCP and IP were developed by a Department of Defense (DOD) research project to connect a number different networks designed by different vendors into a network of networks (the "Internet"). Several computers in a small department can use TCP/IP on a single LAN.

X.25 is an International Telecommunication Union-Telecommunication Standardization Sector (ITU-T) protocol standard for WAN communications that defines how connections between user devices and network devices are established and maintained.

In contrast to these protocols, Telnet is a terminal emulation program for TCP/IP networks such as the Internet. The Telnet program runs on the client computer and connects it to a server on the network. Commands can be entered through the Telnet program and they will be executed as if they were being entered directly on the server console. This enables the client computer (i.e., programmer) to control the server and communicate with other servers on the network.

None of the communications protocols identified in Snell provide the claimed functionality of a Telnet connection. Each protocol identified in Snell is merely a protocol that allows multiple users to share a common resource. Snell therefore goes no further than to disclose a distributed client/server network system. The functions identified in column 7 are operations executed on the server in response to a request from a distributed client (i.e., the programmer).

Snell nowhere suggests that the network server 102 can be controlled by a network programmer 104. Applicant previously argued this distinction over Snell. The examiner deemed Applicant's argument to be "not persuasive" in that claim 21 does not contain such a limitation. Although the feature of a command entered on the programmer being able to effect an execution of operations (i.e., control) at the remote expert location is inherent in a Telnet connection, which inherently is within the scope of the existing claim language of "a network connection comprising a communications protocol that emulates a client/server model wherein commands entered on the programmer are executed as if entered directly on the remote data center," Applicant has nevertheless further amended claim 21 to specify that a command entered on the programmer can effect an execution of operations at the remote expert location. The examiner has not suggested that Snell has such capability.

Accordingly, Snell fails to anticipate or render obvious claim 21.

Dependent claims 22, 23, 24 and 25 were also rejected based upon Snell. Because claim 21 has been shown to be patentable over Snell, dependent claims 22, 23, 24 and 25 are also patentable over Snell.

II. Conclusion

Applicant submits that all claims are in form and condition for allowance and requests that a notice of allowance be issued.

Respectfully submitted,

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